

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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TAMMY RUSSELL, and  
MARY HALL,

Plaintiffs,

v.

GOLDMAN ROTH ACQUISITIONS, LLC,  
and ROBERT VAIDEN a/k/a  
WILLIAM KRAMER,

Defendants.

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Case No. 1:10-cv-1224  
Hon. Paul L. Maloney

**ORDER COMPELLING DISCOVERY  
AND ENTERING DEFAULT**

Plaintiffs have moved to compel discovery from defendant Goldman Roth Acquisitions, LLC in response to plaintiffs' third discovery requests. Defendant has not responded to the motion. Plaintiffs have also moved for the entry of a default against defendants for their failure to comply with this court's discovery order (Docket #51) entered on September 19, 2011. The court finds that Goldman Roth Acquisitions, LLC has not responded to plaintiffs' third request for discovery and that neither defendant has complied with this court's discovery order. The court further finds that in the case of Goldman Roth Acquisitions, the non-compliance with a discovery order was willful, prejudicial to plaintiffs, and occurred despite this court's previous award of sanctions and previous warnings. The court therefore concludes that the entry of a default against defendant Goldman Roth Acquisitions pursuant to Fed. R. Civ. P. 37(b) is justified. The court cannot make the same findings with regard to defendant Vaiden, who continues to be represented by counsel. His counsel has indicated to the court that he intends to comply with the court's orders and to defend this case on its merits. Accordingly, for

the reasons set forth more fully on the record:

IT IS ORDERED that plaintiffs' motion to compel discovery from defendant Goldman Roth Acquisitions, LLC (Docket #53) be and hereby is GRANTED. Defendant Goldman Roth Acquisitions, LLC is hereby ordered to answer plaintiffs' third interrogatories and third request for production of documents no later than **November 7, 2011.**

IT IS FURTHER ORDERED that plaintiffs' motion for the entry of a default (Docket #58) be and hereby is GRANTED with regard to defendant Goldman Roth Acquisitions, LLC. A default is hereby entered against said defendant pursuant to Fed. R. Civ. P. 37(b).

IT IS FURTHER ORDERED that plaintiffs' motion for the entry of a default against defendant Robert Vaiden is hereby DENIED, on the following conditions:

1. Defendant Robert Vaiden must answer all outstanding discovery requests and comply with this court's discovery order (Docket #51) no later than **November 7, 2011.** By the same date, he must pay to plaintiffs' counsel sanctions in the amount of \$300.00, in satisfaction of the sanction imposed in the court's discovery order.
2. Defendant Robert Vaiden must file a response to plaintiffs' pending motion for summary judgment no later than **November 21, 2011.**
3. Defendant Robert Vaiden must participate in a settlement conference, scheduled for **March 15, 2012 at 1:30 p.m.**, Courtroom 712, Grand Rapids Federal Courthouse, if this case remains pending on that date.
4. Defendant Robert Vaiden must comply with all other requirements imposed by the Case Management Order or the Federal Rules of Civil

Procedure.

**If defendant Robert Vaiden fails to comply with any of the foregoing, plaintiffs may renew their request for default.**

Dated: October 24, 2011

/s/ Joseph G. Scoville  
Joseph G. Scoville  
United States Magistrate Judge